

RE: Follow up on Monday's Meeting with the Richmond Selectboard

From Purcell, Terry <Terry.Purcell@vermont.gov>

Date Fri 9/27/2024 4:42 PM

To Josh Arneson <jarneson@richmondvt.gov>; Haenke, Brodie <Brodie.Haenke@vermont.gov>; Burke, Kevin <Kevin.Burke@vermont.gov>

 1 attachments (3 MB)

Richmond orphan permits information.zip;

Hi Josh,

Thank you for working with the Selectboard to schedule the meeting on Monday and dedicating time to addressing the 3-acre stormwater permitting requirements applicable to the Town and residents. I am following up with the requested information regarding the “orphan” operational stormwater discharge permits in Richmond, as well as other requested items:

- During the meeting there was discussion among the selectboard members indicating they and/or the Town attorney would write their own permit language regarding permit responsibilities, costs, maintenance, etc. To be clear, that will not happen and the language in the authorizations issued to a permittee or permittees will not have that content. The Town and homeowners can create a private written maintenance agreement detailing the responsibilities for the permit applicable to each party. We may need to know the division of impervious surface subject to permit coverage (Town vs. privately owned) so that we can bill each party separately based on those numbers, if that is the desired arrangement. But that would also not be information included in the permit itself and we would not require submittal of the private agreement to DEC.
- We have a permitted area of impervious surface for each development but not the acreage of public and private impervious surfaces. The consulting engineer should have design software and/or other tools to complete an analysis and provide that information to the Town.
- We've had a couple of requests come in from residents regarding which lots are covered by the permits and I will be looking into those before responding with further information on boundaries of the permitted areas.
- Combining Mary Drive and Hidden Pines into one permit: yes these permits can be combined and I would recommend a cover letter for our file so that others in our Program will be aware these were two separate projects and permits rather than a single 3-acre site. I will need to get back to you on fees, hopefully next week. The action of withdrawing the Initial NOI permit application a couple of years ago on the part of the selectboard left all three permits without valid permit coverage and in an expired state. When permits expire and there isn't even an incomplete application on hold to renew the permit coverage, the application is considered an “original” application and application review fees apply per the General Permit 3-9050 2.2(B) and the fee statute 3 V.S.A. § 2822. The fee for an original operational permit application is \$860 per acre of impervious surface. When I mentioned just the \$240 administrative fee I hadn't kept all that history in mind as withdrawals of permit applications to renew coverage are rare.
- Submitting an incomplete application for Southview: permit application materials and instructions are found here - <https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/operational-stormwater-discharge-0>. Generally submittal of the Notice of Intent in the ANR

Online system is necessary at a minimum to be processed by our administrative staff as an incomplete application.

- The page of the 3-acre list you attached does to our knowledge include all the current 3-acre sites in Richmond. The Falcon Property Management Partners Inc. site is the Riverview Commons Mobile Home Park. They have a consulting engineer working on that project who is participating in a Phase 1 contract provide engineering services to 3-acre mobile home communities.
- Responsibility of a power company for any impervious roads for which they have easements to on private property. We do not consider the power company's easement or project that happens to pass through the Southview Subdivision to be part of the 3-acre "project" or development subject to permitting.

See the zipped file for the orphan files related to the sites in Richmond. The permits for each of the three developments (with associated impervious surface for permit coverage) are also in this file.

- The Town of Richmond is not currently a permittee for one of the permits that was previously part of the orphan program - 5149-9010.R, originally permitted under #2-1134 for Deer Creek and Daniel Lane Subdivision. An owner's association is the permittee.
- Murray Farm Subdivision, located at Murray Drive, previously part of the orphan program and subject to permit 2-0977, does not currently require operational stormwater permit coverage for the existing development. It appears this is because the acreage of impervious surface permitted for the original development was less than 1 acre. The permit had already expired and is no longer an active permit.
- The development called "Peet Farm Property Development" originally permitted as 1-0918, then 6115-9010 and then combined into 6116-9010.R. is the Mary Drive development. The permit coverage needs to be renewed.
- Southview Subdivision is the other former orphan permit and is I believe the only orphan development in Richmond that is a 3-acre site.
- I found no record of Hidden Pines Circle being part of the orphan program and the Town may have still taken over responsibility for the stormwater permit due to the lack of a responsible party at the time (no developer or association) and ownership of the roads. It was originally permitted as 2-1156, then 3355-9010, then combined into 6116-9010.R. The permit coverage needs to be renewed.
- There were comments at the meeting regarding how homeowners will be notified or become informed of developments with the stormwater permitting processes. DEC has an Environmental Notice Bulletin (<https://dec.vermont.gov/permits/enb>). Residents can sign up, enter their permit number, and be automatically notified of certain activities. I believe this includes a permit application being submitted, the status of the application, beginning of the public notice period (and ability to submit written comments via the ENB), and permit issuance.
- One of the selectboard members asked about tracking progress with state water quality goals and Brodie mentioned the annual Clean Water Initiative Performance Report. This year's report and those from past years are found here: <https://dec.vermont.gov/water-investment/cwi/reports>

Thanks,

Terry



Terry Purcell | Operational Section Supervisor (he, him)
Vermont Department of Environmental Conservation
Watershed Management Division, Stormwater Program
Davis 3, 1 National Life Drive | Montpelier, VT 05620-3522

802-490-6166 cell | terry.purcell@vermont.gov
<https://dec.vermont.gov/watershed>

The Agency of Natural Resources supports telework, and there are times when I may be working from another office location. I am available to connect by phone and email. I am also available to connect in-person upon request.

Vermonters, businesses, and communities impacted by the July 2024 flood should report damage to [Vermont 211](#). Find resources, guidance and referral information at vermont.gov/Flood. [Volunteer to help](#) or [donate to the Vermont Flood Response and Recovery Fund](#) to support all those impacted.

From: Josh Arneson <jarneson@richmondvt.gov>

Sent: Wednesday, September 25, 2024 12:18 PM

To: Purcell, Terry <Terry.Purcell@vermont.gov>; Haenke, Brodie <Brodie.Haenke@vermont.gov>; Burke, Kevin <Kevin.Burke@vermont.gov>

Subject: Follow up on Mondy's Meeting with the Richmond Selectboard

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Kevin, Terry, and Brodie,

Thank you all for attending the Richmond Selectboard meeting on Monday. I appreciate your time in attending and answering the questions from the residents and the Selectboard. I wanted to follow up with all of you on a few next steps and some additional questions:

- For Mary Dr. and Hidden Pines
 - Please share a link to the application for the permit that is needed for both of these developments.
 - Can you provide any more clarity on which roads and parcels are included in each development? A map with a boundary would be very helpful so we know exactly what areas are included and need to be inspected annually.
 - Do you have a permitted amount of impervious for each development on file from previous stormwater permits? A total amount of private impervious and public impervious as permitted in each development would also be helpful.
 - If we were to combine these developments into one permit, would that allow the \$240 permit fee to cover both developments? I think we would also need to note on the permit the acres of impervious for each development and that the combined total does not make the developments subject to the 3-acre rule.
- In the meeting Terry mentioned submitting an incomplete permit application for Southview ASAP would help to show progress. Please provide more details on what you are requesting including links to the documents that need to be submitted.
- Are there any details in the original stormwater permit of Southview that shows the amount of impervious for roads and amount of impervious on private property?
- Please provide a full list of orphan permits in Richmond. Please also let me know which orphan permits need to be re-permitted with the 3-9050 permit.
- Please provide a copy of the permit for each orphan site in Richmond.

- Is the attached list the current list of all 3-acre sites in Richmond? Is Falcon Property Management Partners Inc. the Riverview Commons Mobile Home Park?
- What is the responsibility of a power company for any impervious roads that they have easements to on private property?

Thanks,

Josh Arneson (he/him)

Town Manager
Town of Richmond
P.O. Box 285
Richmond, VT 05477
(802) 434-5170